

1122. Duties; rules and regulations; forms.

(a) The Board shall:

(1) Supervise the administration of this chapter, and

(2) Adopt, amend and repeal rules and regulations governing the issuance and amendment of licenses to conduct the games under such licenses ~~and schedules of rentals which may be paid for the leasing of equipment for use in connection with the games.~~ The rules and regulations shall have the force of law. Such licenses shall be issued to qualified licensees only. The Board shall also take measures to assure that games shall be fairly and properly conducted for the purposes and in the manner prescribed in the state Constitution and in this chapter. The Board shall prevent the game from being conducted for commercial purposes or private profit other than as authorized in the state Constitution and in this chapter. In order to provide uniformity in the administration of this chapter the Board shall prescribe forms of application for licenses, amendment of licenses, reports of the conduct of games and other matters incident to the administration of this chapter.

(b) A copy of the rules and regulations adopted by the Board shall be available at a reasonable cost. (28 Del. C. 1953, § 1122; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5.)

1132. Investigation; conditions for grant of license.

(a) The Board shall make an investigation of the qualifications of each applicant and the merits of each application. The Board shall consider the impact of the approval of any new license application to existing licensees within the applicant's geographical location prior to granting the approval, and may deny the application if it concludes that approval of the application would be detrimental to existing licensees.

(b) The Board may issue a license only after it determines that:

(1) The applicant is duly qualified to conduct games under the state Constitution and of this chapter and the rules and regulations governing the conduct of games; and

(2) The ~~personse member or members of the applicant~~ who intend to conduct the games ~~are bona fide active members of the applicant and~~ are persons

of good moral character and have never been convicted of crime involving moral turpitude; and

(3) Such games are to be conducted in accordance with the provisions of the state Constitution and this chapter and in accordance with the rules and regulations governing the conduct of games; and

(4) The proceeds are to be disposed of as provided in the state Constitution and by this chapter; and

(5) No unreasonable salary, compensation or reward whatever will be paid or given to any personmember under whom the game is conducted; and

(6) No prize will be offered or given in excess of the sum or value of \$250 in any single game and the aggregate of all prizes offered or given in all of such games conducted on a single occasion shall not exceed the sum or value of \$1000. For purposes of this paragraph, the value of any promotional giveaways, which value shall be no more than \$500 per annum to be distributed at an organizational anniversary date and no more than 3 holiday dates per year, shall not be counted towards the dollar amounts described herein.

(7) Notwithstanding subsection (b)(6) of this section, a licensed operator of a bingo event may offer inducements, including but not limited to cookie-jar bingo games that do not exceed \$500 per game per night, free refreshments and free transportation of players to and from bingo events, to attract bingo players to the bingo event; ~~provided, that the total fair market value of inducements is limited to 15% of the total amount of all other prizes offered or given during the bingo event. Any amounts in any cookie-jar bingo games shall not be included in these limitations or in any prize money limitations.~~ (28 Del. C. 1953, § 1132; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, §§ 4, 5; 69 Del. Laws, c. 216, §§ 2, 4; 71 Del. Laws, c. 444, § 5.)

1133. License fees; exceptions.

(a) There shall be a license fee of \$15 for each occasion upon which bingo or charitable gambling are to be conducted under such license.

(b)(1) The Board may issue a license without fee to any bona fide organization eligible to conduct games within the meaning of article II, § 17A or 17B of the state Constitution, provided such organization conducts games for recreational purposes, does not intend to make a profit, does not make a profit, does not charge a fee for participation and offers no prize in excess of \$5 for any single game.

~~(2) In lieu of reports required by § 1140 of this title, an organization granted a license by this subsection shall certify to the Board, in its license~~

~~application, that games conducted by it comply with the conditions specified in this subsection.~~

(c) There shall be an annual license fee of \$300 for each organization sponsoring instant bingo games. (28 Del. C. 1953, § 1133; 51 Del. Laws, c. 65, § 1; 54 Del. Laws, c. 102; 55 Del. Laws, c. 160; 62 Del. Laws, c. 17, § 1; 64 Del. Laws, c. 93, § 1; 64 Del. Laws, c. 100, §§ 4-6; 67 Del. Laws, c. 16, §§ 3, 4.)

1137. License form and provisions; display.

(a) Each license shall be in the form prescribed in the rules and regulations of the Board and shall contain:

(1) The name and address of the licensee;

(2) The names and addresses of the members of the licensee under whom such games will be conducted;

(3) The number of times ~~and, or~~ the hours during which, such games are authorized to be conducted;

(4) The place or places where and the date or dates when, such games may be conducted;

(5) The specific purposes to which the entire net proceeds of such games are to be devoted;

(6) If any prize or prizes are to be offered or given a statement of the amounts or values of the prizes authorized so to be offered or given;

(7) Any other information which may be required by the rules and regulations.

(b) Each license shall be conspicuously displayed at the place where the game is to be conducted at all times during the conduct thereof. (28 Del. C. 1953, § 1137; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5.)

1139. Limitations and regulations under license.

(a) Bingo and charitable games conducted shall not commence prior to 1:30 p.m. The operation of a ~~gamefunction~~ shall be limited to 6 consecutive hours, except as permitted by regulation ~~3-08(2)~~. Instant bingo is permitted during any event sponsored by the entity that is licensed to conduct it, regardless of the day or time.

(b) No person under the age of 16 years shall be permitted to participate in any games. No person under the age of 18 shall be permitted to participate in any charitable gambling, the prize for which is money. No person under the age of 18 shall be permitted to participate in any instant bingo game.

(c) The number of games which an applicant may conduct in any 1 calendar month shall be set by the rules and regulations of the Board, provided that no bingo licensee licensed prior to the enactment of this section shall conduct more than 10 bingo events in any calendar month and no bingo licensee licensed after the enactment of this section shall conduct more than 1 bingo event per week. For purposes of this subsection, a bingo licensee licensed prior to the enactment of this section whose license lapses for 6 months or more due to nonrenewal or suspension or any other reason shall, upon licensing thereafter, be considered a licensee licensed after the enactment of this section.

(d) No games shall be conducted in any room or area where alcoholic beverages are sold or served during the progress of the game.

~~(e) No person shall conduct or assist in conducting any game except an active member of the organization to which the license is issued.~~

(f) No item of expense shall be incurred or paid in connection with the conduct of the game except such as are bona fide items of a reasonable amount for merchandise furnished or services rendered which are reasonably necessary for the conduct of the game.

(g) No unreasonable salary, compensation or reward whatever shall be paid or given, directly or indirectly, to any person conducting or assisting in the conduct of the game.

(h)(1) A licensed operator may charge an admission fee to a game event in any room or area in which a game is to be conducted. The admission fee shall entitle the game player:

a. To a card enabling the player to participate without additional charge in all regular games to be played under license at the event or;

b. To free refreshments.

The licensed operator may charge an additional fee to a game player for a single opportunity to participate in a special game to be played under license at the event.

~~(2) No prize greater in amount or value than \$250 shall be offered or given in any single game and the aggregate amount or value of all prizes offered or given in all games played on a single occasion shall not exceed \$1000. All~~

~~winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game is played. For purposes of this paragraph, the value of any promotional giveaways, which value shall be no more than \$500 per annum to be distributed at an organizational anniversary date and no more than 3 holiday dates per year, shall not be counted towards the dollar amounts described herein.~~

~~(3) Notwithstanding subsection (h)(2) of this section, a licensed operator of a bingo event may offer inducements, including but not limited to cookie-jar bingo games that do not exceed \$500 per game per night, free refreshments and free transportation of players to and from bingo events, to attract bingo players to the bingo event, provided that the total fair market value of inducements is limited to 15% of the total amount of all other prizes offered or given during the bingo event. Any amounts in any cookie-jar bingo games shall not be included in these limitations or in any prize money limitations.~~

~~(4) This subsection shall apply only to bingo games.~~

(5) Unless a bingo licensee has been licensed prior to the enactment of this section, only 1 licensed organization may hold bingo games in a licensed organization's building during any given week.

(i) [Repealed.]

(j) Any licensed games organization shall have discretionary authority to promulgate rules and regulations on the eligibility of persons permitted to participate in the nightly prize or prizes; provided, however, they have been approved by the Board, and further provided, that if approved by the Board, such rules and regulations shall be conspicuously displayed at the main entrance where all patrons can observe same.

(k) The Board may make reasonable rules and regulations with respect to the size of bets and prizes with respect to the conduct of games other than bingo. (28 Del. C. 1953, § 1139; 51 Del. Laws, c. 65, § 1; 58 Del. Laws, c. 335; 59 Del. Laws, c. 367, § 1; 61 Del. Laws, c. 355, § 1; 62 Del. Laws, c. 325, § 1; 64 Del. Laws, c. 100, §§ 4, 5, 7-9; 67 Del. Laws, c. 16, §§ 5, 6; 69 Del. Laws, c. 216, §§ 1, 3; 71 Del. Laws, c. 444, §§ 1-4.)

1155. Institution of prosecutions.

The Board shall recommend to the Attorney General in writing that criminal prosecution be instituted for violations of this chapter. The Attorney General is responsible for the prompt institution of such proceeding, but if the Attorney General decides not to institute proceedings, he shall inform the Board in writing

of his decision. (28 Del. C. 1953, § 1155; 51 Del. Laws, c. 65, § 1; 64 Del. Laws, c. 100, § 5.)

[\[provision for civil penalties\]](#)